REMARKS

Applicant would like to thank the Examiner for the Office Action of March 3, 2008. Applicant has reviewed the references cited in the Office Action and has amended the claims to more precisely recite the present invention. Please note that claim 25 has also been amended to address the §112 objection as well.

The two remaining independent claims after the cancellation of claim 35 are claims 1 and 25. Claim 1 stands rejected under 35 U.S.C. §103(a) over Nelson, Jr. in light of Crowley and Lu et al. Claim 25 stands rejected under 35 U.S.C. §103(a) over Nelson, Jr. in view of Lu et al.

Claim 1 now recites:

> 1. A diagnostics system comprising:
>
> a flexible patch having an adhesive portion and adapted to be positioned on a surface;
>
> a radio frequency identification (RFID) tag and sensor module integrated with said patch and having an antenna, an RFID electronic chip, and at least one sensor associated with a unique ID, said RFID tag and sensor module responding to a stimulus by wirelessly transmitting, through the use of said antenna, signals that correspond to said stimulus;
>
> a multi-protocol wireless RFID reader for communication with said RFID tag and sensor module, said RFID reader being capable of communicating information over a wireless network through the use of multiple communication protocols; and
>
> a database associated with said network, said database containing data or software associated with said ID.

Claim 25 now recites:

> 25. A human diagnostics system comprising:
>
> a patch having an RFID tag and sensor module, and being attachable to the surface of the skin and adapted to

sense predetermined elements through the skin and transmit signals corresponding to said predetermined elements;

a RFID reader communicative with said patch through the use of a network to analyze, receive, and transmit the signals from said patch through the use of multiple communication protocols;

a remote storage and data unit communicative with said RFID reader over said network, said remote storage and data unit analyzing and storing data from said patch and said RFID tag, said remote storage and data unit transmitting said analyzed and stored data to said RFID reader through the use of said network; and

said remote storage and data unit further having software which can be downloaded to said RFID reader for reading and interpreting said sensor.

None of the references, alone or in combination, disclose or make obvious the present invention's use of a database that includes software for reading a plurality of RFID sensors through multiple communication protocols. As stated in paragraph [0009] of the specification:

> Additionally, the RFID reader is adapted to read and analyze virtually any RFID tag and sensor module. As such, the RFID reader is adapted to retrieve the electronic identification of a tag and sensor module and download software that enables reading and analyses of the tag and sensor from a database.

The specification states further at paragraph [0076]:

> Since each RFID tag 10 contains its own electronic identification number 64, wireless device 2 can immediately recognize the type of sensor involved and perform the correct analysis. This is because a given modified cell phone can download the necessary software, data tables, etc. from a remote location via a wireless link and can instantly become a "smart" device for any given type of RFID sensor.

Finally, in paragraph [0093] of the specification:

> Using a low cost wireless device such as a cell phone 2 with RFID multi-protocol reader capability, complex drug interaction tests can be performed on-the-spot at a very low cost. This is possible by wireless access to cell phone towers 380, access to Internet 390 and to a remote storage/ data processing unit 400. In one embodiment remote storage/data processing unit 400 is embodied as a computer or electronic database. Accordingly through the use of computer 400 (hereinafter remote store/ data processing unit 400 shall be referred to as computer 400), a patient can either download data to computer 400 or upload into the cell phone the necessary information to conduct any given test by matching the ID of the RFID sensor with given software and data tables stored remotely on computer 400 via link 392.

The Crowley patent clearly shows that it is a simple wireless "logger" with no direct real-time second communication features (transceiver or radio) with a remote database to allow interactive instant two-way communication with a remote database for the sensor output.

The fact that Crowley is simple logger is clearly indicated by the following:

FIG. 1 shows that the reader device only has one radio (transceiver) which is meant to communicate from the reader to the temperature sensor as described in detail in the patent. Similarly FIG. 8 does not show any second communication to a remote database.

Col. 4 Lines 7-15 indicate that the temperatures "may be **later** recorded and/or downloaded to a computer database (e.g., for subsequent review and/or for patient record maintenance)."

Col. 8 Lines 39-49 describe the general configuration of the reader. While this section suggests that a second transmitter and receiver can be used it clearly indicates that it is a sub receiver of transceiver 8, which, as the patent shows, is the radio (transceiver) to communicate with the sensor.

Col. 10 Lines 32-40 indicate that "the reader 10 may include an input/output port (not shown) such that after a plurality of measurements are made (e.g., for a plurality of patients) such measurements may be **downloaded** into a database."

Claim 30 further confirms the above: "The system as recited in claim 26, further comprising: a data output port for **downloading** data form said hand-held probe to a data storage system."

Nelson, like Crowley, clearly describes a passive system, where information is downloaded from an index card or "data record" to a remote database in a second phase.

Col. 3 Lines 1-6 and FIGS. 1, 6, 7, 8, 9. Nelson describes a complex "index card" system with a detachable patch, a "carrier element" or substrate and a "data record" area (for manual input).

Col. 3 Lines 41-47 states that: "A code recipient record is **then** inputted into a data base in a manner such that the identification code can be used to access the record."

Col. 8 Lines 33-36 refer to "identification codes and code recipients are **to be** entered into and stored in a computer database."

Claim 1 further describes the two-tier passive "data record" system.

Lu does not disclose this approach to reading multiple communication protocols. In Lu, a CPU on board the reader performs a pulse width measurement:

> In the CPU 90, as illustrated by the "pulse-width measurement" box 100, the output of the comparator is first processed by measuring the pulse width. The pulse widths are measured in terms of the number of cycles of the driver signal. The CPU then determines the timer interval in the "protocol selection" box 102 by selecting the most likely protocol based on how much deviation there is from known ideal pulse width stored in the CPU 90.

Thus, in Lu there is no database connected to a network which has software which can read a plurality of RFID sensors through multiple communication protocols. Thus, the present invention as now claimed is neither disclosed nor made obvious in the combination of references.

Reconsideration and allowance are respectfully requested.

Respectfully Submitted,

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